

USPTO Customer No. 25280

Case 5014A

REMARKS*Election / Restriction*

Claims 1-21 are pending the above-referenced application. Restriction to one of the following inventions was required under 35 USC 121:

- I. Claim 1, drawn to a method of making a leather-like fabric-elastomer composite, classified in class 427, subclass 244;
- II. Claims 2 – 16, drawn to a fabric-elastomer composite, classified in class 428, subclass 308.4; or
- III. Claims 17 – 21, drawn to a composite having at least three materials, classified in class 428, subclass 304.4.

In a response filed September 23, 2005, Applicants respectfully elected Group II, containing Claims 2 – 16, without traverse.

To facilitate prosecution of the present application, Applicants have cancelled the non-elected claims without prejudice, reserving the right to re-file such claims in one or more divisional or continuing applications if desired.

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Rejection under 35 USC 112

Claims 2-16 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner objected to the terms "technical face" and "technical back" in Claims 2, 7, and 10. Applicants have amended these claims to remove this term. Applicants believe this amendment to be sufficient to overcome the rejection under 35 USC 112 and respectfully request that the rejection be withdrawn.

Rejection under 35 USC 102

Claims 2-16 are rejected under 35 USC 102(e) as being unpatentable over US Patent Application Publication No. 2003 / 0190853 to LOVINGOOD.

From Applicants' understanding, the LOVINGOOD reference teaches the production of a chambray fabric, where a non-blended warp of one fiber type and a non-blended filling of a second fiber type are non-union dyed. In one embodiment, synthetic yarns are used in the warp and cellulosic yarns (e.g., cotton) are used in the filling direction. The fabric is produced by weaving the fabric, desizing or scouring the fabric, dyeing the fabric (that is, the yarns in either the warp or fill), and finishing the fabric (e.g., by napping, calendaring, or chemical treatment).

The Examiner has suggested that the limitations of Claim 6, which recites a "satin construction", are inherent in the LOVINGOOD reference, since it teaches rayon and satin is made from silk or rayon. Applicants have amended Claim 6 to recite a "satin

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weave construction" to clarify the intended scope of the claim. Support for this amendment is found on page 10, lines 15-18 of the specification.

A satin weave construction is one of the basic weave constructions, in which the face of the fabric consists almost entirely of warp or filling floats produced in the repeat of the weave. For the reference of the Examiner, Applicants are including herewith a definition of "satin weave" from *Dictionary of Fiber & Textile Technology*.

The Examiner has also suggested that Claims 2, 7, and 8 are product-by-process claims and that many of the limitations contained therein have not been afforded with any patentable weight. Applicants have amended Claim 2 to recite that the composite comprises a woven fabric and an elastomer composition, where the elastomer composition is a coagulated polymer latex that is partially incorporated into the fabric. Thus, Applicants' claimed composite has at least two components: a woven fabric and an elastomer composition.

The LOVINGOOD reference teaches only a woven fabric. It provides no teaching or suggestion of a coagulated polymer latex composition that is partially incorporated into a fabric.

MPEP 2131 states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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Applicants submit that the LOVINGOOD reference fails to pass this rigorous test. Because the reference fails to teach all of the limitations of Applicants' claims, Applicants believe the rejection to be improper and respectfully request that it be withdrawn.

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CONCLUSION

In view of all of the previous remarks, Applicants respectfully submit that this application is now in condition for allowance. Entry of this Amendment and issuance of a Formal Notice of Allowance is courteously solicited.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be resolved promptly and satisfactorily.

It is believed that this response is being timely filed and that no fees are owed with this submission. In the event that there are fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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DICTIONARY

of FIBER & TEXTILE TECHNOLOGY



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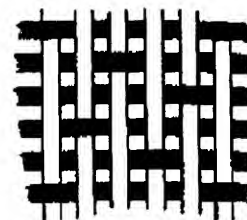
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SASE: Acronym for stress at specified elongation; the stress experienced by a yarn or cord at a given elongation.

SATEEN: A strong, lustrous cotton fabric made in a satin weave.

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SATIN WEAVE: One of the basic weaves, plain, satin, and twill. The face of the fabric consists almost completely of warp or filling floats produced in the repeat of the weave. The points of intersection are distributed as evenly and widely separated as possible. Satinweave fabric has a characteristic smooth, lustrous surface and has a considerably greater number of yarns in the set of threads, either warp or filling, that forms the face than in the other set.



4 x 1 Satin Weave

SATURATION: 1. The maximum intensity or purity of a color. If the color is as brilliant as possible, it is at saturation; if the color is subdued or grayed, it is dull, weak, and low in intensity. 2. The upper limit concentration of a solute in a solvent, i.e., no more solute can be dissolved at a fixed temperature and pressure.

SATURATION BONDING: See BONDING, 2.

SATURATION VALUE: The maximum amount of dye that can be absorbed by a textile fiber under defined conditions.

SATURATOR: A machine for thoroughly wetting fabrics in an aqueous bath.

SAXONY: 1. A high-grade fabric for coats, made from Saxony Merino wool. 2. A soft woolen with fancy yarn effects, used in sport-coat fabric. 3. A highly twisted worsted knitting yarn. 4. A term describing a cut-pile carpet having highly twisted, evenly sheared, medium-length pile yarns.

SCAFFOLDING YARN: See CARRIER YARN.

SCALE: See CUTICLE and CORTEX.

SCALLOPED SELVAGE: A fabric defect consisting of an abrupt, narrow place along the selvage. Principal cause is the failure of the clip on the tenter frame to engage or hold the fabric.

SCHAPPE: A yarn from partly degummed silk waste.

SCHAPPING: A method of degumming silk waste by means of a fermentation process.

SCHREINER: A type of calender that produces a highly lustrous finish on fabrics. It employs a smooth roll paired with a roll engraved with very fine lines at an angle to the machine direction. The fabric passes through the rolls under heavy pressure, producing a surface with greater light reflectance.

SCORCHING: The tendering of a fiber surface by heat so as to change the color and texture of the surface.

SCOTCHGARD®: A registered trademark of the 3M Company for a fluoride-based finish used to produce oil and water repellency on fabrics and floor coverings.